

Message Text

LIMITED OFFICIAL USE

PAGE 01 TOKYO 12389 250459Z

13

ACTION EA-14

INFO OCT-01 ISO-00 JUSE-00 CIAE-00 DODE-00 PM-07 H-03

INR-11 L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03

SS-20 USIA-15 NIC-01 OMB-01 DRC-01 /093 W

----- 006591

R 250435Z SEP 74

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 4774

INFO CINCPAC HONOLULU

COMUSJAPAN FUCHU

5TH AF FUCHU

LIMITED OFFICIAL USE TOKYO 12389

E.O. 11652: N/A

TAGS: MARR, JA

SUBJECT: JAPANESE CIVIL SUIT AGAINST US

SUMMARY: FONOFF HAS FORMALLY ASKED EMBASSY ABOUT WHAT ACTION
USG INTENDS TO TAKE IN RESPONSE TO CIVIL SUIT FILED IN TOKYO
DISTRICT COURT ON JULY 23, 1973, ONE OF WHOSE DEFENDANTS IS LISTED
AS UNITED STATES OF AMERICA. REQUEST INSTRUCTIONS. END SUMMARY

1. FONOFF QUERY IS FIRST NOTICE WE HAVE RECEIVED OF EXISTENCE
OF SUIT FOR WHICH, TO BEST OF OUR KNOWLEDGE, NO LEGAL PAPERS HAVE
YET BEEN FILED ON ANY USG AGENCY. SUIT WAS ORIGINALLY FILED BY
LEFTIST GROUP AGAINST JAPANESE MAYOR OF TACHIKAWA CITY, JAPAN
DEFENSE AGENCY AND U.S. SECRETARIES OF ARMY (FROEHLKE) AND AIR
FORCE (SEAMANS). PRESIDING JUDGE SUBSEQUENTLY RULED THAT LETTER
TWO DEFENDANTS COULD BE CHANGED TO USA.

2. SUIT ALLEGES THAT MAYOR OF TACHIKAWA DID NOT HAVE PROPER
AUTHORITY TO ENTER INTO CONTRACT WITH 5TH AIR FORCE FOR USE OF
TACHIKAWA CITY SEWERAGE FACILITIES BY 5TH AF UNITS BASED AT
TACHIKAWA AB. SUIT ALSO ALLEGES THAT AS A RSUULT OF THIS IMPROPER
CONTRACT, USAF ILLEGALLY GAINED YEN 1,198,480,000 IN BENEFITS
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 TOKYO 12389 250459Z

FROM USE OF THE FACILITIES, I.E. THE DIFFERENCE BETWEEN AMOUNT

PAID AND WHAT PLAINTIFFS CONSIDER WHOULD HAVE BEEN A REASONABLE AMOUNT. SUIT CONCLUDES BY ASKING FOR COURT TO RULE THAT SAID CONTRACT BE DECLARED NULL AND VOID, THAT USAF BE ENJOINED FROM ANY FURTHER USE OF TACHIKAWA CITY SEWERAGE FACILITIES UNDER IT AND THAT US RETURN TO TACHIKAWA CITY TREASURY ALL BENEFITS ILLEGALLY GAINED THEREUNDER, VIZ YEN 1,198,480,000 (APPROXIMATELY DOLLARS FOUR MILLION).

3. EMBASSY AND USFJ REGARD SUIT AS REPRESENTING LITTLE MORE THAN POLITICAL HARRASSMENT BY LEFTISTS OF NECESSARY US-JAPAN SECURITY ARRANGEMENTS IN EFFORT TO GAIN LOCAL POLITICAL BENEFITS BY EMBARRASSING MAYOR. AS SUCH, WE BELIEVE WE SHOULD, IF POSSIBLE, DECLINE TO RESPOND TO SUIT OR PERMIT OURSELVES TO BE DRAWN INTO SITUATION WHICH COULD MARK BEGINNING OF INTERMINABLE SERIES OF POLITICAL LAWSUITS BY JAPANESE LEFTIST GROUPS USING OUR SECURITY ARRANGEMENTS TO HARRASS AND EMBARRASS LOCAL POLITICAL FIGURES AND GOJ.

4. WE HAVE INFORMED FONOFF THAT WE DECLINE TO ALLOW OURSELVES TO BE CONNECTED TO, RECOGNIZE OR RESPOND TO SUIT IN ANY WAY UNTIL WE RECEIVE INSTRUCTIONS FROM WASHINGTON.

5. ACTION REQUESTED: GUIDANCE ON HOW TO RESPOND TO FONOFF REGARDING SUIT.
SHOESMITH

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SEWAGE SYSTEM, LITIGATION, MILITARY BASES, CONTRACTS
Control Number: n/a
Copy: SINGLE
Draft Date: 25 SEP 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: izenbei0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974TOKYO12389
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740269-0649
From: TOKYO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740913/aaaaalcd.tel
Line Count: 86
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: izenbei0
Review Comment: n/a
Review Content Flags:
Review Date: 31 JUL 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <31 JUL 2002 by shawdg>; APPROVED <12 MAR 2003 by izenbei0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: JAPANESE CIVIL SUIT AGAINST US SUMMARY: FONOFF HAS FORMALLY ASKED EMBASSY ABOUT WHAT ACTION
TAGS: MARR, JA, US, USA, USAF, (FROEHLKE), (SEAMANS)
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005